

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

DEMOND MOORE,

Plaintiff,

v.

NEXT GENERATION HOSPITALITY
LLC.

Defendant

Case No. 1:22-cv-00548-MRB

JUDGE: BARRETT

ANSWER

(JURY TRIAL DEMANDED)

Pursuant to Federal Rule of Civil Procedure 8, Defendant Next Generation Hospitality, LLC, d/b/a Kings Inn & Suites (“NGH”), respectfully submits the following Answer and Affirmative Defenses to the Complaint.

PARTIES

1. Defendant admits the allegations contained in ¶1.
2. Defendant admits the allegations contained in ¶2.
3. Defendant admits the allegations contained in ¶3.
4. Defendant admits the allegations contained in ¶4.
5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶5.
6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶6.
7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶7.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶8.
9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶9.
10. Defendant denies the allegations contained in ¶10.
11. ¶11 applies to State Court, but Defendant does not contest personal jurisdiction.
12. ¶12 applies to State Court, but Defendant does not contest venue in this Court.
13. ¶13 applies to State Court, but Defendant does not contest the jurisdiction of this Court.

FACTS

14. Defendant admits the allegations in ¶14.
15. Defendant admits the allegations in ¶15.
16. Defendant admits the allegations in ¶16.
17. Defendant admits the allegations in ¶17 that Plaintiff worked for Defendant. Defendant denies the remainder of the allegations contained in ¶17.
18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶18.
19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶19.
20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶20.
21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶21.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶22.
23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶23.
24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶24.
25. Defendant denies the allegations in ¶25.
26. Defendant denies the allegations in ¶26.
27. Defendant denies the allegations in ¶27.
28. Defendant denies the allegations in ¶28.
29. Defendant denies the allegations in ¶29.
30. Defendant denies the allegations in ¶30.
31. Defendant denies the allegations in ¶31.
32. Defendant denies the allegations in ¶32.
33. Defendant denies the allegations in ¶33.
34. Defendant denies the allegations in ¶34.
35. Defendant admits the allegations in ¶35.
36. Defendant denies the allegations in ¶36.
37. Defendant denies the allegations in ¶37.
38. Defendant denies the allegations in ¶38.
39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶39.
40. Defendant denies the allegations in ¶40.

41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶41.

42. Defendant denies the allegations in ¶42.

43. Defendant admits the allegations in ¶43.

44. Defendant denies the allegations in ¶44.

45. Defendant denies the allegations in ¶45.

46. Defendant denies the allegations in ¶46.

47. Defendant denies the allegations in ¶47.

48. Defendant denies the allegations in ¶48.

49. Defendant denies the allegations in ¶49.

50. Defendant denies the allegations in ¶50.

51. Defendant denies the allegations in ¶51.

52. Defendant denies the allegations in ¶52.

53. Defendant denies the allegations in ¶53.

COUNT I

54. Defendant restates the responses to the preceding paragraphs.

55. Defendant denies the allegations in ¶55.

56. Defendant denies the allegations in ¶56.

57. Defendant denies the allegations in ¶57.

58. Defendant denies the allegations in ¶58.

59. Defendant denies the allegations in ¶59.

60. Defendant denies the allegations in ¶60.

61. Defendant denies the allegations in ¶61.

62. Defendant denies the allegations in ¶62.

63. Defendant denies the allegations in ¶63.

64. Defendant denies the allegations in ¶64.

COUNT II

65. Defendant restates the responses to the preceding paragraphs.

66. Defendant denies the allegations in ¶66.

67. Defendant denies the allegations in ¶67.

68. Defendant denies the allegations in ¶68.

69. Defendant denies the allegations in ¶69.

70. Defendant denies the allegations in ¶70.

71. Defendant denies the allegations in ¶71.

72. Defendant denies the allegations in ¶72.

73. Defendant denies the allegations in ¶73.

74. Defendant denies the allegations in ¶74.

75. Defendant denies the allegations in ¶75.

COUNT III

76. Defendant restates the responses to the preceding paragraphs.

77. Defendant denies the allegations in ¶77.

78. Defendant denies the allegations in ¶78.

79. Defendant denies the allegations in ¶79.

80. Defendant denies the allegations in ¶80.

81. Defendant denies the allegations in ¶81.

82. Defendant denies the allegations in ¶82.

83. Defendant denies the allegations in ¶83.

84. Defendant denies the allegations in ¶84.

COUNT IV

85. Defendant restates the responses to the preceding paragraphs.

86. Defendant denies the allegations in ¶86.

87. Defendant denies the allegations in ¶87.

88. Defendant denies the allegations in ¶88.

89. Defendant denies the allegations in ¶89.

90. Defendant denies the allegations in ¶90.

91. Defendant denies the allegations in ¶91.

92. Defendant denies the allegations in ¶92.

93. Defendant denies the allegations in ¶93.

COUNT V

94. Defendant restates the responses to the preceding paragraphs.

95. Defendant denies the allegations in ¶95.

96. Defendant denies the allegations in ¶96.

97. Defendant denies the allegations in ¶97.

98. Defendant denies the allegations in ¶98.

99. Defendant denies the allegations in ¶99.

100. Defendant denies the allegations in ¶100.

101. Defendant denies the allegations in ¶101.

102. Defendant denies the allegations in ¶102.

103. Defendant denies the allegations in ¶103.

104. Defendant denies the allegations in ¶104.

105. Defendant denies the allegations in ¶105.

106. Defendant denies the allegations in ¶106.

107. Defendant denies the allegations in ¶107.

108. Defendant denies the allegations in ¶108.

109. Defendant denies the allegations in ¶109.

110. Defendant denies the allegations in ¶110.

111. Defendant denies the allegations in ¶111.

112. Defendant denies the allegations in ¶112.

113. Defendant denies the allegations in ¶113.

114. Defendant denies the allegations in ¶114.

COUNT VII

115. Defendant restates the responses to the preceding paragraphs.

116. Defendant denies the allegations in ¶116.

117. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶117.

118. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶118.

119. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶119.

120. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶120.

121. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶121.

122. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶122.

123. Defendant denies the allegations in ¶123.

124. Defendant denies the allegations in ¶124.

125. Defendant denies the allegations in ¶125.

126. Defendant denies the allegations in ¶126.

127. Defendant denies the allegations in ¶127.

128. Defendant denies the allegations in ¶128.

129. Defendant denies the allegations in ¶129.

130. Defendant denies the allegations in ¶130.

131. Defendant denies the allegations in ¶131.

132. Defendant denies the allegations in ¶132.

133. Defendant denies the allegations in ¶133.

COUNT VIII

134. Defendant restates the responses to the preceding paragraphs.

135. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶135.

136. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶136.

137. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶137.

138. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶138.

139. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶139.

140. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in ¶140.

141. Defendant denies the allegations in ¶141.

142. Defendant denies the allegations in ¶142.

143. Defendant denies the allegations in ¶143.

144. Defendant denies the allegations in ¶144.

145. Defendant denies the allegations in ¶145.

146. Defendant denies the allegations in ¶146.

147. Defendant denies the allegations in ¶147.

148. Defendant denies the allegations in ¶148.

149. Defendant denies the allegations in ¶149.

150. Defendant denies the allegations in ¶150.

151. Defendant denies the allegations in ¶151.

COUNT IX

152. [132] Defendant denies the allegations in ¶152.

153. [133] Defendant denies the allegations in ¶153.

154. [134] Defendant denies the allegations in ¶154.

155. [135] Defendant denies the allegations in ¶155.

156. [136] Defendant denies the allegations in ¶156.

157. [137] Defendant denies the allegations in ¶157.

158. [138] Defendant denies the allegations in ¶158.

159. [139] Defendant denies the allegations in ¶159.

160. [140] Defendant denies the allegations in ¶160.

161. [141] Defendant denies the allegations in ¶161.

COUNT X

162. [142] Defendant denies the allegations in ¶162.

163. [143] Defendant denies the allegations in ¶163.

164. [144] Defendant denies the allegations in ¶164.

165. [145] Defendant denies the allegations in ¶165.

166. [146] Defendant denies the allegations in ¶166.

167. [147] Defendant denies the allegations in ¶167.

168. [148] Defendant denies the allegations in ¶168.

169. [149] Defendant denies the allegations in ¶169.

170. [150] Defendant denies the allegations in ¶170.

171. [151] Defendant denies the allegations in ¶171.

172. [152-1] Defendant denies the allegations in ¶172.

COUNT XI

173. [152-2] Defendant restates the responses to the preceding paragraphs.

174. [153] Defendant denies the allegations in ¶174.

175. [154] Defendant denies the allegations in ¶175.

176. [155] Defendant denies the allegations in ¶176.

177. [156] Defendant denies the allegations in ¶177.

178. [157] Defendant denies the allegations in ¶178.

179. [158] Defendant denies the allegations in ¶179.

180. [159] Defendant denies the allegations in ¶180.

181. [160] Defendant admits the allegations in ¶181.

182. [161] Defendant denies the allegations in ¶182.

183. [162] Defendant denies the allegations in ¶183.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief may be granted.
2. All or part of the claims by Plaintiff are barred by equitable doctrines limiting relief, including, but not limited to, unclean hands, waiver, estoppel or laches.
3. Plaintiff has failed to identify a valid comparator (aka a similarly situated employee).
4. Plaintiff was not performing his job satisfactorily when Defendant fired him
5. Defendant had a legitimate, non-discriminatory reason for any adverse action.
6. Plaintiff is unable to produce any evidence of pretext, or that Defendant's stated reason for the adverse employment action was meant to disguise a discriminatory intent.
7. Defendant did not perform any wrongful acts, including but not limited to any negligent, knowing, or purposeful acts with malicious purpose, in bad faith, intentionally, recklessly, willfully, or wantonly.
8. Plaintiff welcomed the conduct he is now claiming to be harassment.
9. Defendant did not know of the harassment that was allegedly occurring.
10. Defendant appropriately addressed any alleged harassment in a timely manner.
11. Plaintiff's claims for punitive damages are subject to bifurcation and any applicable statutory caps.

12. Punitive damages are not available because the defendant's conduct was not motivated by evil motive or intent or did not involve reckless or callous indifference to the federally protected rights of Plaintiff.
13. Plaintiff's alleged damages were not directly, proximately, or actually caused by any alleged wrongdoing of Defendant.
14. Plaintiff's claims are barred by an intervening and superseding cause.
15. Plaintiff was contributorily at fault and that contributory fault was a direct and proximate cause of any injuries or damages allegedly sustained by Plaintiff.
16. Some or all of the claimed damages are barred due to failure to mitigate.

PRAYER FOR RELIEF

Plaintiff respectfully requests the following relief:

- Judgment in favor of Defendant; and an award of court costs and other reasonable expenses incurred in maintaining this action, including reasonable attorney's fees as authorized by 42 U.S.C. §1988 and other applicable state and federal laws.
- Any other relief the Court finds just and proper and any relief Defendant is entitled to obtain, even if Defendant has not demanded that relief in its pleadings.

JURY DEMAND

Defendant hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

/s/ Joshua A. Engel
Joshua Adam Engel (0075769)
ENGEL AND MARTIN, LLC
4660 Duke Dr., Suite 101
Mason, OH 45040
(513) 445-9600
engel@engelandmartin.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been electronically served via the Court's ECF System this November 15, 2022 upon all counsel of record.

/s/ Joshua Engel
Joshua Adam Engel (0075769)